

1 LENARD E. SCHWARTZER
2 2850 S. Jones Blvd., Ste 1
2 Las Vegas, NV 89146
2 (702) 307-2022

3 TRUSTEE

6 UNITED STATES BANKRUPTCY COURT

7 DISTRICT OF NEVADA

8 In re) Case No. BK-S 17-14566-ABL
9 MONIQUE KASHAY BROWN,) IN PROCEEDINGS UNDER CHAPTER 7
10) TRUSTEE'S MOTION TO DISMISS CASE
11) FOR FAILURE TO FILE REQUIRED
12) DOCUMENTS UNDER SECTION 521(i)
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The Motion of Lenard E. Schwartzer (the "Trustee") to dismiss this case represents:

1. Debtor filed for relief under the Bankruptcy Code on August 23, 2017, and the
16 Trustee has duly qualified and is now acting as the Chapter 7 Trustee of the estate of the above-
17 referenced debtor.

19 2. Debtor marked the petition designating that "Debts are primarily consumer debts."

20 3. Debtor failed to file schedules for more than 45 days after the filing of her petition.

21 *See Docket attached as Exhibit "I."*

22 4. Bankruptcy Code § 521 (i) provides

23 (1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an
24 individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the
25 information required under subsection (a)(1) within 45 days after the date of the filing
26 of the petition, the case shall be automatically dismissed effective on the 46th day after
27 the date of the filing of the petition.

1 (2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party
2 in interest may request the court to enter an order dismissing the case. If requested, the court
3 shall enter an order of dismissal not later than 7 days after such request.

4 (3) Subject to paragraph (4) and upon request of the debtor made within 45 days after
5 the date of the filing of the petition described in paragraph (1), the court may allow
6 the debtor an additional period of not to exceed 45 days to file the information
7 required under subsection (a)(1) if the court finds justification for extending the
8 period for the filing.

9 (4) Notwithstanding any other provision of this subsection, on the motion of the
10 trustee filed before the expiration of the applicable period of time specified in
11 paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to
12 dismiss the case if the court finds that the debtor attempted in good faith to file all the
13 information required by subsection (a)(1)(B)(iv) and that the best interests of creditors
14 would be served by administration of the case.

16 WHEREFORE, Trustee prays for an order confirming the automatic dismissal of this case,
17 and such other and further relief as is just and proper.

18 DATED October 6, 2017



LENARD E. SCHWARTZER, TRUSTEE

21 **DECLARATION OF TRUSTEE**

23 I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my
24 knowledge, information and belief.

26 DATED October 6, 2017



LENARD E. SCHWARTZER

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EXHIBIT “1”

DebtEd, BAPCPA, MEANSU, PRIORFILING, FeeDueINST

**U.S. Bankruptcy Court
District of Nevada (Las Vegas)
Bankruptcy Petition #: 17-14566-abl**

Assigned to: AUGUST B. LANDIS
Chapter 7
Voluntary
No asset

Date filed: 08/23/2017

341 meeting: 10/11/2017

Deadline for objecting to discharge: 11/27/2017

Debtor
MONIQUE KASHAY BROWN
6550 LAREDO ST.
LAS VEGAS, NV 89146
CLARK-NV
SSN / ITIN: xxx-xx-0249

represented by **MONIQUE KASHAY
BROWN**
PRO SE

Trustee
LENARD E. SCHWARTZER
2850 S. JONES BLVD., #1
LAS VEGAS, NV 89146
(702) 307-2022

U.S. Trustee
U.S. TRUSTEE - LV - 7
300 LAS VEGAS BOULEVARD, SO.
SUITE 4300
LAS VEGAS, NV 89101

Filing Date	#	Docket Text
08/23/2017	<u>1</u> (11 pgs)	Chapter 7 Voluntary Petition Individual. Fee Amount \$0. Request for in forma pauperis waiver. Filed by MONIQUE KASHAY BROWN (mag) (Entered: 08/23/2017)
08/23/2017	<u>2</u> (2 pgs)	Meeting of Creditors and Notice of Appointment of Trustee LENARD E. SCHWARTZER, . 341 meeting to be held on 09/27/2017 at 11:00 AM at 341s - Foley Bldg,Rm 1500. Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts due by 11/27/2017. (Entered: 08/23/2017)

08/23/2017	<u>3</u>	Statement of Social Security Number(s). This document contains sensitive information and cannot be viewed by the public. Filed by MONIQUE KASHAY BROWN (mag) (Entered: 08/23/2017)
08/23/2017	<u>4</u> (4 pgs)	Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments with Proposed Order Filed by MONIQUE KASHAY BROWN (mag) (Entered: 08/23/2017)
08/23/2017	<u>5</u>	Set Deficient Filing Deadlines. Incomplete Filings due by 9/6/2017. Verification of Creditor Matrix due by 9/6/2017. Summary of Assets and Liabilities due by 9/6/2017. Schedules A/B-J due by 9/6/2017. Declaration Re: Schedules due by 9/6/2017. Statement of Financial Affairs due by 9/6/2017. Statement of Intent due by 9/22/2017. Statement of Current Monthly Income and Means Test Form 122A-1 Due: 9/6/2017. (mag) (Entered: 08/23/2017)
08/23/2017	<u>6</u> (2 pgs)	Notice of Incomplete and/or Deficient Filing. (mag) (Entered: 08/23/2017)
08/24/2017		Notice of Debtor's Prior Filing for debtor MONIQUE KASHAY BROWN Case Number <u>13-35352</u> , Chapter 7 filed in Oregon Bankruptcy Court on 08/22/2013 , Dismissed for Failure to File Information on 09/13/2013; Case Number <u>15-16063</u> , Chapter 7 filed in Nevada Bankruptcy Court on 10/26/2015 , Dismissed for Other Reason on 01/08/2016.(Admin) (Entered: 08/24/2017)
08/24/2017	<u>7</u> (1 pg)	Order on Debtor's Certification of Exigent Circumstances (BNC) (Related document(s) <u>1</u>) Voluntary Petition <u>7</u> filed by Debtor MONIQUE KASHAY BROWN.) (arv) (Entered: 08/24/2017)
08/25/2017	<u>8</u> (1 pg)	Order Denying Debtor's Application for Waiver of the Chapter 7 Filing Fee (Related Doc # <u>4</u>) First Installment Payment due by 08/25/2017. Second Installment Payment due by 10/23/2017. Third Installment Payment due by 11/21/2017. Final Installment Payment due by 12/21/2017. (arv) (Entered: 08/25/2017)
08/25/2017		

	<u>9</u> (3 pgs)	BNC Certificate of Mailing (Related document(s) <u>2</u> Meeting of Creditors Chapter 7 No Asset (BNC)) No. of Notices: 8. Notice Date 08/25/2017. (Admin.) (Entered: 08/25/2017)
08/25/2017	<u>10</u> (3 pgs)	BNC Certificate of Mailing. (Related document(s) <u>6</u> Incomplete and/or Deficient Filing-Ch 7 Individual (BNC)) No. of Notices: 1. Notice Date 08/25/2017. (Admin.) (Entered: 08/25/2017)
08/26/2017	<u>11</u> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <u>7</u> Order on Debtor's Certification of Exigent Circumstances) No. of Notices: 8. Notice Date 08/26/2017. (Admin.) (Entered: 08/26/2017)
08/27/2017	<u>12</u> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <u>8</u> Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee (BNC)) No. of Notices: 1. Notice Date 08/27/2017. (Admin.) (Entered: 08/27/2017)
09/08/2017	<u>13</u> (59 pgs; 6 docs)	Motion for Relief from Stay Property: 6550 Laredo St., Las Vegas, Nevada 89146 Fee Amount \$181. with Proposed Order with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E)(O'REILLY, TIMOTHY) (Entered: 09/08/2017)
09/08/2017	14	Receipt of Filing Fee for Motion for Relief from Stay(17-14566-abl) [motion,mrlfsty] (181.00). Receipt number 17739086, fee amount \$ 181.00.(re: Doc# <u>13</u>) (U.S. Treasury) (Entered: 09/08/2017)
09/08/2017	<u>15</u> (1 pg)	362 Information Sheet Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties, LLC) (O'REILLY, TIMOTHY) Modified on 9/11/2017 to correct filing party (Hess, MA). (Entered: 09/08/2017)
09/08/2017	<u>16</u> (4 pgs)	Notice of Hearing <i>on Motion for Relief from Automatic Stay</i> Hearing Date: 10/11/2017 Hearing Time: 1:30 PM with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties,

		LLC) (O'REILLY, TIMOTHY) Modified on 9/11/2017 to correct filing party (Hess, MA). (Entered: 09/08/2017)
09/08/2017	<u>17</u> (12 pgs; 3 docs)	Motion for Order Shortening Time <i>for hearing of Legacy Properties, LLC's Motion for Relief from Automatic Stay [ECF No. 13]</i> with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties, LLC) (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B)(O'REILLY, TIMOTHY) Modified on 9/11/2017 to correct filing party (Hess, MA). (Entered: 09/08/2017)
09/11/2017	18	Hearing Scheduled/Rescheduled. Hearing scheduled 10/11/2017 at 01:30 PM at ABL-Courtroom 1, Foley Federal Bldg. (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties, LLC) (arv) (Entered: 09/11/2017)
09/13/2017	<u>19</u> (2 pgs)	Order Granting Motion for Order Shortening Time (Related document(s) <u>17</u>). Hearing scheduled 9/27/2017 at 10:30 AM at ABL-Courtroom 1, Foley Federal Bldg. (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties, LLC.) (arv) (Entered: 09/13/2017)
09/14/2017	<u>20</u> (6 pgs; 2 docs)	Notice of Entry of Order <i>Shortening Time for Hearing on Legacy Properties, LLCs Motion for Relief from Automatic Stay</i> with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Related document(s) <u>19</u> Order on Motion for Order Shortening Time) (Attachments: # <u>1</u> Exhibit 1) (O'REILLY, TIMOTHY) (Entered: 09/14/2017)
09/22/2017	<u>21</u> (3 pgs)	Motion to Continue/Reschedule Hearing with Certificate of Service Filed by MONIQUE KASHAY BROWN (Related document(s) <u>13</u> Motion for Relief from Stay filed by Creditor Legacy Properties, LLC)(arv) (Entered: 09/25/2017)
09/25/2017	<u>22</u> (23 pgs; 3 docs)	Opposition to <i>Debtor's Motion to Continue Reschedule Hearing</i> with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Related document(s) <u>21</u> Motion to Continue/Reschedule Hearing filed by Debtor

		MONIQUE KASHAY BROWN.) (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2) (O'REILLY, TIMOTHY) (Entered: 09/25/2017)
09/28/2017	23	Statement Adjourning Meeting of 341(a) Meeting of Creditors. Section 341(a) Meeting Continued on 10/11/2017 at 11:30 AM at 341s - Foley Bldg,Rm 1500. ADDITIONAL INFORMATION REQUESTED Debtor absent. (SCHWARTZER, LENARD) (Entered: 09/28/2017)
09/28/2017	<u>24</u> (8 pgs)	Trustee's Motion to Dismiss Case for Failure to File Required Documents under Section 521(i) Filed by LENARD E. SCHWARTZER on behalf of LENARD E. SCHWARTZER (SCHWARTZER, LENARD) (Entered: 09/28/2017)
10/03/2017	25	Minute Entry Re: hearing on 10/11/2017 1:30 PM. Vacated Per Court Instructions. Heard on 09/27/17 10:30 AM (related document(s): <u>13</u> Motion for Relief from Stay filed by Legacy Properties, LLC) (pal) (Entered: 10/03/2017)
10/04/2017	<u>26</u> (2 pgs)	Order Granting Motion For Relief From the Automatic Stay (Related document(s) <u>13</u>) (mrb) (Entered: 10/04/2017)
10/04/2017	<u>27</u> (5 pgs; 2 docs)	Notice of Entry of Order <i>Granting Legacy Properties, LLC's Motion for Relief from Automatic Stay</i> with Certificate of Service Filed by TIMOTHY R. O'REILLY on behalf of Legacy Properties, LLC (Attachments: # <u>1</u> Exhibit 1) (O'REILLY, TIMOTHY) (Entered: 10/04/2017)

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10/06/2017 11:12:37			
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